

TORONTO, April 29th, 1898.

MY DEAR CHANCELLOR :

I regret that my consideration of your letters of 8th and 31st May, 1897, has been so long delayed. In these letters the original question of an increase of the fees has become complicated with larger questions affecting the State University which in view of their importance demand first consideration. These questions cannot, as you indicate, be properly discussed without a knowledge of the history of federation. So important have I deemed this aspect of the matter that I have consulted with some of those familiar with the whole history of the federation movement, including Principals Caven and Sheraton, who were members of the Federation Conference of 1884, in order to supplement the information I already possessed as to the more recent phases. I have also had the benefit of President Loudon's knowledge and judgment on the points under discussion, and I am permitted to say that he is in accord with my conclusions.

Your contention that a maintenance fee for the benefit of the State University should not be derived from any other source than University College has led you into statements as to the relation of the Province to secular education which are, in my opinion, not only incorrect in themselves but which also vitiate your whole line of argument. The legitimate inference from your letter of 31st May seems to be, in short, that you hold that whilst before federation the duty was laid upon the State of making provision for all the subjects of higher education, under federation this duty is only binding as regards certain subjects (the so-called "University" subjects) and that this duty is no longer imperative as regards certain other subjects (the so-called "College" subjects). In other words that, in 1887, on the passage of the Federation Act, the State abandoned its previous policy of providing instruction in all necessary branches of higher learning, and bound itself to furnish adequate instruction in only a part of these.

My own view of the position and duty of the Province as regards its University is totally different. From the beginning, the Province was admittedly responsible for the teaching of all the subjects of higher learning. This responsibility was unchanged by federation. The separation of the Arts Faculty by federation into two parts has not changed the responsibility of the government for the support of either part. The allotment of the subjects to the one side or the other appears to be in itself unnatural and illogical, and was apparently determined by mere expediency in an endeavour to meet the exigencies of Victoria College at the time. By the Act subjects are even now transferable from the one side to the other (see Act, section 87). Hence, if your theory is right, the Province may to-day be responsible for the support of a subject and to-morrow not so. If you are right, then those who represented the State University in the negotiations surely either stultified themselves by abandoning their life-long policy, or are chargeable with the betrayal of a sacred public trust.

The essence of your contention is involved in your assumption that the expense of the University departments (as distinct from those of University College) is a first charge on the endowment. You say in your letter of May 8th, that the sum of \$44,146 annually is by the Federation Act made free, or virtually is placed upon the original endowments of the University. This is what you term elsewhere in the same letter "the federation free franchise." In your letter of May 31st, you refer to the services of the teaching staff in University subjects as being free to all the Colleges, and you couple this reference with the enquiry "if free, how were they to be maintained except as a first charge on the

endowment?" Your assumption is, I find, supported neither by the Act nor by the Agreement come to in 1884 by the responsible representatives of all Ontario Universities and Colleges, to which you refer as the basis of the Act. As a matter of fact, both the Agreement and the Act contemplate a common and undivided fund.

By section 16 of the University Property Act it is provided that all fees and other sources of income shall taken together constitute "the General Income Fund" the only first charge on which is that of the Bursar's office (section 23). The Agreement above referred to is equally clear. Section 14 of the Agreement reads as follows:—"The University endowment and all additions thereto shall be applied to the maintenance of the Provincial University, the University Faculty, and University College." In this clause of the Agreement, which was assented to by the representatives of Victoria and all other parties concerned, there is no word either of a first charge upon the endowment or of a partition of the endowment as between University and College Faculties.

This theory of a first charge appears to be an after-thought, and if I am not mistaken is now suggested for the first time. I learn by inquiry that it was never even advanced in the federation negotiations, and I am quite sure that had it been made a condition of federation, the representatives of the University of Toronto and University College, as well as those of the Federating Colleges would never have consented to the scheme.

Let us consider what the concession of this theory would mean? It would mean, first, that University College would thereby cease to have any effective claim upon the endowment, for as you are aware a second claim is at best an uncertainty, and may prove perfectly worthless, and secondly, it is quite conceivable that, by the expansion of the University side of the work, the College might eventually receive from the common fund even less than the amount of fees contributed by it thereto. The friends of the State University evidently foresaw this danger when, in the federation negotiations, they stipulated for a common fund as an essential safeguard. Your implied claim that University College does not enjoy equal rights with the University as regards the endowment is not only a denial of the legal rights of the College, but appears to be a repudiation of what the representatives of Victoria freely conceded during the negotiations referred to.

Your apparent admission of the rights of University College to a share in the endowment surely amounts to nothing, and the logical inference from your assumption seems to be that University College exists only by sufferance, or until the demands of the University subjects shall have extinguished this semblance of a claim—in short, that the State controls but does not support University College. Not only, as I have shown, do you deny, in the face of the clear terms of the Agreement and the Act, the right of University College to a share in the endowment on equal terms with the University of Toronto, but also, following out the same line of argument, you assert that under the Agreement and the Act "full contract provision has been made for University College," and that its "staff is quite as expensive and more valuable and efficient than the one outlined in the Federation Agreement."

I take your phrase, "contract provision," to refer to the clause in the Act (section 77), which provides seven professors, six lecturers, and five fellows for University College. Your assumption evidently is that this is to be regarded as a maximum staff, and as imposing for all time the limits beyond which University College may not expand. You profess to find support for this position in the Federation Agreement, for you say: "The Agreement on which that Act was founded gave to University College a claim to a definite staff of seven professors, one lecturer, six tutors, and six fellows."

I am surprised that you, Sir, who are familiar with the whole history of the federation movement should make a statement so much at variance both with the letter and the spirit of the Agreement. I find that the Agreement contains no hint of regarding this as a maximum, but on the contrary makes full, careful and adequate provision for the expansion of University College. Section 7 of the Agreement stipulates that University College shall afford to all students who desire to avail themselves thereof the requisite facilities for obtaining adequate instruction in the following subjects, viz., English, Latin, etc. (the College subjects). There is no hint in this of any intention to limit the scope of the College teaching. But I find a still more specific stipulation, providing for due expansion, in section 15 of the Agreement. After enumerating the staff of University College, the clause continues: "Additional assistance in above subjects to be provided so that no honour class shall exceed twelve, or pass class thirty."

But apart from the definiteness of the Agreement on these points, an examination of some of the consequences of your assumption will, I think, show its unreasonableness. It can hardly be imagined that it was ever seriously proposed, much less embodied in an Act, to limit the responsibility of the State as to the teaching of such subjects as English, Latin, etc., and at the same time to provide for the unlimited expansion of the teaching of say Mathematics, Astronomy, Metaphysics, etc. Moreover, the terms of the Federation Agreement are clear and positive on this point. It says (section 7a): "University College shall afford to all students who desire to avail themselves thereof, the requisite facilities for obtaining adequate instruction in the following subjects in the curriculum of the Provincial University, viz., Latin, Greek, etc., etc." It is undoubtedly the duty of the State to make such provision, and this quite independently of federation, or of the presence of Victoria, or any other institution in federation. On any other understanding the federation bargain surely is an utterly unintelligible and indefensible one.

But such full and adequate provision becomes an impossibility under your proposed restriction. Restrict the staff as you propose, and, with increasing numbers it would be entirely inadequate to overtake the teaching. With your restriction University College would, with such increase, in self-defence be obliged to turn away students from its doors, and deny to the citizen the right to educate his son at the State College. With your restriction the State would be debarred from increasing the staff of University College, even if the necessary funds were available from increased fees. This is such a complete *reductio ad absurdum* that further comment seems to be unnecessary.

I might add here that the Government has not interpreted the Act in this way. For example, a necessity arose, I was informed, in Latin, on account of the increased classes, and the Government has made provision for an additional lecturer in excess of what you hold to be the limit. I am convinced that your theory is not only untenable in view of the Act, the Agreement, and the consequences I have pointed out, but that it represents an attitude which is at variance with that held by the representatives of Victoria (yourself included) when amendments to the Act were considered by the Senate in 1893. On that occasion to remove all doubts as to restrictions, by the unanimous vote of the Senate, it was recommended that the following clause should be incorporated in the Act. "In University College instruction shall be given by a professor and such other instructors as the Lieutenant-Governor may from time to time determine in Greek, Latin, etc.," (the College subjects). Had this claim of restriction for University College and free expansion for the University side been brought forward during the federation negotiations, you must be aware that it would have effectually and definitely ended the federation movement.

Referring to the University staff, you say in your letter of 31st May, "let us look at the other side of the Federation Act and Agreement. By its terms we were to have a staff of nineteen professors with a corresponding number of other instructors," and further on you say that this staff "has never been completely filled up."

It is true that by the Act a teaching staff is called for in some eighteen or possibly nineteen branches of learning, though nowhere is it prescribed as you say that there shall be nineteen teachers with the academic rank of professor. "Professors" as such are not mentioned and the very wording makes it clear to my mind that the object of the clause was to leave the State free to make such arrangements as would be most feasible, having regard to the essential thing, viz., the establishing of teaching facilities in these subjects. The question of the rank of the teacher may seem a minor one but I am forced to notice it because your argument proceeds upon the assumption that a professor in each case is called for.

Now I find that provision has already been made and the Act and Agreement complied with in every subject except Engineering, for which ample provision has been made in the School of Practical Science at the expense of the Province. What is still more important is the fact that not only has the Act been complied with, but that in some departments, *e.g.*, Biology, Chemistry, Physics, the teaching staff is, I venture to say, far in excess of what was contemplated at the time of the federation negotiations, and is besides actually in excess of the provision made for any University College subject. In view of these facts, your assertion that the "shortcomings have all fallen to the University side" is, in my opinion, unwarranted, so far as the staff is concerned.

When I turn to the matter of buildings and equipment, I find a still greater discrepancy between your assertion and the facts of the case. In your letter of 31st May, you say that in addition to the staff (the point I have just dealt with), "buildings and other equipments to be furnished which have only been partially provided." When we consider what has been done for the University departments since 1887, this charge is little short of astounding. If you will turn to the Agreement to which you have referred you will find in section 21 a description of the buildings contemplated which are as follows:—"A building suitable for a University Examination Hall, Senate rooms, Registrar's and other offices shall be erected * * ; additions to be made to the School of Science sufficient to afford proper accommodation for students in mineralogy, botany, and other subjects, and for the accommodation of the Museum, which should be removed from its present quarters in order to be more serviceable for science students."

What might be termed the minor requirements of this programme—Examination Hall, Senate Rooms, Registrar's and other offices—have been satisfactorily provided in the main building. As to the Science departments, the Agreement contemplated by a scheme of additions to the building their continuance in the School of Practical Science, where they then were. True, this programme has not been literally carried out, and fortunately so. Instead of a flat in the School of Science, Biology has been provided with a magnificent separate building. In like manner Chemistry, which was not even mentioned in the Agreement clause referred to, has been provided with a building unsurpassed on this continent in its accommodation and equipment. Although the department of Geology has not yet been provided for on the same liberal scale, yet, as you will admit, the arrangements made for the department by Vice-Chancellor Mulock, in the erection of the west wing of the Biological Building, were not only amply sufficient to meet the requirements of the Act and Agreement, but were deemed satisfactory to the Senate, and, if I am not mistaken, to yourself personally, at the time. I myself think that better provision for Mineralogy and Geology should be made in the near future, and this on account of the growing importance

of these sciences in themselves, and not on account of any unfulfilled agreement with regard to them. In short, when we contrast the provision which has been made for University departments in buildings and equipment, with the very modest programme which was satisfactory to all concerned when originally drawn up, it must be admitted that no ground for complaint exists, and that the Agreement has been interpreted in a spirit of liberality which was not dreamt of at the time. A confirmation of this I see further in the Gymnasium Building, provided at a cost of over \$30,000, and in the Library Building at a cost of upwards of \$100,000, although neither was even mentioned in the Agreement.

More than contract provision has already been made, as I have shown for the University departments, and now new expansion must be provided for. The inevitable consequence of your theory of a first claim on the endowment for University purposes and of a refusal to increase any revenue fees but those of University College is to throw upon University College the whole burden of expense for future expansion. This is the position you take, and you say that it is justified by the Agreement and the Act. You appear to ignore the fact, which must be well-known to you, that the federation negotiations looked to no such source for future expansion. University College was guaranteed as a State College for all time to come, and it was supposed that the additional funds which it was anticipated would be required for carrying out the scheme would be furnished by the Government. The question of further State aid for the University was under discussion just before the federation negotiations, having been advocated by Vice-Chancellor Mulock in his Convocation address of 1883. The estimate of increased income necessary for the carrying out of federation made in 1884 as I understand by Professor Loudon, and publicly announced, was \$40,000 a year. You yourself subsequently stated \$150,000 as your estimate of the annual income which would be immediately available under federation, making it clear that you also anticipated a considerable addition to the resources of the University. The Senate also in accepting the scheme coupled with their acceptance the assertion of the necessity of increased Government aid, and it was generally understood that additional funds would be provided by Government from some source. These expectations have not been realized, and, as you know, that is the reason why fees have already been increased more than once, and not at all because any such increase of fees was projected in the Federation Act. Merely nominal fees in University College were thought of. You hold the contrary, but in point of fact how are you more justified in saying that it was intended that University College should be supported wholly by its fees than that the University of Toronto should be wholly supported by its fees? The clause of the Act referring to this point is exactly parallel for both institutions, as you will see by referring to sections 58, 2 and 78. The complete parallelism of University College and Victoria College on which you insist has no foundation as far as the Act is concerned (see sections 38, 2, 3, 4), and is not supported by anything in the Agreement. The parallelism contemplated by the Act refers only to teaching and attendance on lectures, and not at all to finances. The admission of this fictitious parallelism would bring us again face to face with the question I have already raised, viz., whether by federation the State abandoned its duty to provide for the adequate teaching of all subjects, College as well as University.

Let us now turn to another phase of the question, viz., to the direct contribution which as you allege is made to the University by Victoria College. In your last letter you say: "And while we would have saved ourselves \$20,000 a year, besides large outlay for buildings by putting our Arts students into University College as others do, this would have involved additional expense there of at least \$10,000 a year, i.e., if they were to get anything like proper attention. Our College is a direct contribution to the resources of the University to at least that extent."

This assertion I have referred to President Loudon, who has favoured me with the following answer:—

"A partial experiment bearing on this question was made in the session of 1896-97 when a number of the classes in French in Victoria College were incorporated with those in University College in consequence of the illness of Professor Petch. The joint classes were handled without inconvenience by the staff of University College consisting of Professor Squair, Mr. Cameron, and M. de Champ. Professor Squair informs me now that, assuming the numbers of students to be the same as last year, the classes could be thus combined permanently on securing M. de Champ's services for a few hours extra per week at an additional cost of say \$150 per annum, and that the efficiency of the instruction would be fully up to the present standard. From Professor vanderSmitten I learn that a similar arrangement would be feasible in German, and from Professor Alexander that the classes in English could be combined at a slight additional expense (say \$150) for the work of reading and correcting essays. In the departments of Greek, Hebrew, Ancient History, and Ethics, the professors state that the present classes, in both University College and Victoria College could be handled together without any extra cost. The only department in which an additional instructor would be required is that of Latin. Placing this instructor's salary at \$1,000, and the cost of the additional instruction referred to in French, German, and English, at \$500, I estimate that, on the basis of present numbers in both Colleges, University College could provide instruction, fully up to the present standard, for the students of Victoria College at an additional outlay of \$1,500. Those who are familiar with academic affairs will readily understand that, when a staff has been already provided to meet the requirements of an extensive curriculum, a small increase in the numbers of students will make little difference in the cost or in the ability of the professors to overtake the work of teaching. The situation is in fact parallel to the equipment of departments in the University subjects where there has never been a question of duplicating the staff on account of a trifling increase in the size of the classes."

It would thus appear from President Loudon's figures that the whole instruction which you state costs you \$20,000 a year could be done by University College for \$1,500, thus indicating an unnecessary annual expenditure on your part of \$18,500.

In connection with this same question you also say in your letter of May 31st, that "if you think our presence under federation embarrassing to the finances of the University it would have been far more so if we came in on the same terms as our Anglican and Presbyterian neighbors."

Supposing that Victoria College had entered federation in the way here suggested, and assuming that the Arts Students who now attend Victoria should attend University College instead, it is clear that under existing circumstances University College, instead of being embarrassed by the fact, would be a gainer to the extent of more than \$5,500 annually. This appears from the following calculation, taken in connection with the estimate given above as to the increased expenditure of \$1,500, which would be required in University College:—

Registration fees of Victoria students (say) 200 at \$36	\$7,200
Less cost of additional instruction required in University College.....	1,500

Gain to University College annually.....\$5,700

I now come to the practical question of what is to be done with regard to the proposition still before the Senate of raising some \$4,000 by an increase of University fees.

In the first place, let me remind you that during our negotiations with the Government last year for the purpose of securing financial assistance for the University, it was suggested as a condition of the grant that an increase of Arts fees to the extent of \$10 per student should be levied. I recall to your remembrance the fact that at a meeting of those concerned in the board-room of the Canadian Bank of Commerce, Hon. S. H. Blake appealed to you and asked if there would be any difficulty in imposing this increase, and that you replied in the negative. Further, at the Conference of April 30th last, at which you and Drs Carman, Potts and Hough were present, along with President Loudon and myself, there were only the two following proposals as to the mode in which this increase should be distributed.

(1) That of President Loudon, viz.:

\$5	increase in	Registration fee.
\$2	"	" Examination "
\$3	"	" Library "

(2) That of your Committee, viz.:

\$6	increase in	Registration fee.
\$4	"	" Examination "

The latter after full discussion was unanimously adopted. Effect has been given to this arrangement by the College Council so far as the Registration fee is concerned, and a statute has been introduced by Professor Baker, seconded by yourself in the Senate to increase the Examination fee by \$4. You may accordingly imagine the surprise with which I received your letter of May 8th, in which you contend that it is the Registration fee only which should be increased. In your last letter you urge as an objection to the proposed increase of the Examination fee that University fees are only to be imposed for specific expenses. But, in point of fact there is no mention in the Act of fees to meet specific expenses. On the contrary the Act does prescribe that all University fees shall go into a common fund, and become income for current expenses of College and University alike (Chap. 44, sections 16 & 19).

To show how untenable your position in this connection is, I need only refer to our practice in the matter of Degree fees, which by the application of your argument are unjust as now levied, and should of right be reduced to the mere cost of conferring the degree.

I have, I think, shown clearly above that the University of Toronto and University College are complementary parts of one institution, and that their unity is secured by the Agreement and confirmed by the Act. The practical question is: How, in the absence of increased endowment, are we to raise funds from fees to carry on the whole work of the State institution? All fees of whatever kind go into the common fund, and assist in meeting the general expenses. In the past, when increased revenue was required, at one time University fees and at another time College fees were increased, irrespective of the relative cost of the various branches of the service, and having regard only to what was deemed a reasonable distribution of the burden at the time.

This has been the method on various occasions since federation, and the proposal adopted in our joint committee was exactly in the same line. The only thing which now remains to be considered is, what is a reasonable fee, and what is a reasonable distribution under the circumstances?

Briefly the situation now is this: The measure of assistance expected from the Government at the time of federation has not been fully realized. A deficit has occurred. The Government has undertaken to relieve our embarrassment to the extent of \$7,000 on the understanding that a similar sum should be raised by increased fees. University College at once in accordance with the understanding

already mentioned made an addition of \$6 to its fee, so that at present University College Arts students contribute to the common fund \$48, and Victoria College students \$12. There still remains to be raised about \$4,000 to carry out the understanding with the Government, for which Professor Baker's statute provides by imposing \$4 on all Arts students as an increase to the Examination fee. It is immaterial from my point of view whether it is allotted to examinations or library or both. The alternative which you propose is an increase of College fees, but you apparently forget that this would mean an additional increase per student not of \$4 but of \$8, or a contribution on the part of University College students of \$56 to the common fund whilst Victoria College students would contribute no more than formerly. Nor must it be forgotten in this connection that the instruction of students in several honor departments is in the higher years entirely provided by the University Faculty. The fees of University College students in such departments go into the common fund, and thus indirectly the instruction is paid for. But Victoria College enjoys in similar cases the peculiar privilege of receiving fees for instruction although it actually gives none, a privilege also permitted at the beginning to Knox, Wycliffe and St. Michael's, but not taken advantage of, and subsequently withdrawn by an amendment of the Act.

In view of all the circumstances—the sacrifices of endowment which have been made to carry out the Federation Agreement, the resulting financial straits, our recent understanding with the Government, the benefits which Victoria enjoys under federation, the smallness of the sum now contributed by Victoria students, and the insignificance of the proposed increase—I hope you will recognize the propriety of meeting us in the liberal spirit shown at the beginning of our negotiations.

I need scarcely remind you that should the Senate fail to carry this statute from which we expect an increase of about \$4,000, and should University College then decline to impose a further addition of \$8 per student to its fees, there is no hope of meeting the present deficit much less of providing for future expansion.

I am, my dear Chancellor,

Yours faithfully—

B. E. WALKER.

CHANCELLOR BURWASH,
Victoria University,
Toronto.